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C O N F I D E N T I A L SECTION 01 OF 02 PHNOM PENH 000982

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SUBJECT: UN/OLA TEAM BUILDS BRIDGES WITH SOK AN TO
STRENGTHEN KHMER ROUGE TRIBUNAL

REF: PHNOM PENH 947

Classified By: AMBASSADOR CAROL A. RODLEY FOR REASONS 1.4 (B, D)

¶1. (C) SUMMARY: During talks in Phnom Penh December 9-10, a delegation from the UN Office of Legal Affairs (UN/OLA) led by ASYG Peter Taksoe-Jensen appeared to make significant progress with Deputy Prime Minister and Minister of the Council of Ministers Sok An on the issue of establishing an international-standard mechanism to address corruption on the administrative side of the Khmer Rouge Tribunal (KRT). The team was less successful in obtaining certain agreement to the departure of court administration director Sean Visoth -- at the center of corruption allegations -- although the UN team took heart in Visoth's continued absence from the court.

A Joint Statement issued December 10 noted the creation of a joint UN-Cambodian technical committee to "ensure the administration operates in a transparent, fair and efficient manner." The committee's main mandate was to strengthen human resources management, including anti-corruption measures, while following "due process" and providing "full protection against retaliation." UN/OLA will now wait for the results of the committee's work at the end of January. Taksoe-Jensen said that he believed the KRT could now develop appropriate anti-corruption mechanisms, and expressed the hope that Sok An would gauge the seriousness of the UN on the presence of the court director and take appropriate action. The talks purposely avoided discussion of new suspects in the tribunal (reftel). END SUMMARY.

Joint Agreement: "No Corruption"

¶2. (C) In a briefing December 10 to eight missions and UN country staff, UN-ASYG Taksoe-Jensen described his two separate meetings with DPM Sok An as having a generally good atmosphere in which both sides agreed there should be no corruption in the Extraordinary Chambers in the Courts of Cambodia (ECCC), as the KRT is called. He reviewed a joint statement to be issued by the two sides later the same evening (Post is sending copy to the desk), noting that agreement on the statements on transparency and fairness and assurances of no retaliation marked a turning point and that the two sides had "come a long way" since earlier UN-Royal Government of Cambodia (RGC) exchanges on the subject. Taksoe-Jensen was accompanied by Nicolas Haysom of the UN Political Office, who first gave the assembled "core" friends meeting a blow-by-blow account of the talks with Sok An.

¶3. (C) DPM Sok An had seven RGC officials in his retinue, including acting ECCC Director Tony Khran, said Haysom. It

was therefore difficult to speak directly about the UN desire to see Sean Visoth depart, he said. When pressed on the proposed departure, Sok An continually returned to the principle of "due process" -- if the UN could not turn over the evidence and witness testimony to substantiate the allegations of corruption against Visoth, the RGC could do nothing more. Nonetheless, both Haysom and later Taksoe-Jensen (who had been detained by negotiations with Sok An over the joint statement) told the group that they believed they had conveyed the UN's seriousness of purpose regarding Visoth. (NOTE: Court sources say that Visoth had returned from a medical leave in Vietnam before the UN/OLA visit, but then went back to Vietnam again, thus being out of the country during the delegation's visit. END NOTE.) The delegates expressed optimism about Visoth's absence but encouraged all sides to keep the pressure on the RGC to remove him.

Beyond Expectations

14. (C) The Japanese DCM expressed a common view in the meeting that the UN/OLA's ability to re-engage the government and to get agreement on a key anti-corruption mechanism went "beyond expectations." The UK Charge added that it was important to have the joint committee propose a solid set of recommendations by the late January deadline and then to act on them. All parties agreed that more work needed to be done on the Visoth case.

Comment

PHNOM PENH 00000982 002 OF 002

15. (C) We echo the Japanese sentiments and believe that the joint UN-RGC statement is a significant achievement, given the cantankerous exchanges earlier this year and the long history of bitter relations in the establishment of the KRT. But we have no doubt that more work will need to be done to keep the pressure on the RGC to live up to the joint statement.
RODLEY